

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

ERNEST BREAUTL,	:	CIVIL ACTION NO.:
	:	
Plaintiff,	:	1:19-cv-00955-FJS-DJS
	:	
vs.	:	
	:	
CSX TRANSPORTATION, INC.,	:	
	:	
Defendant.	:	July 24, 2020
	:	

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Plaintiff, Ernest Breault and Defendant, CSX Transportation, Inc. hereby file this Stipulation of Dismissal With Prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), dismissing with prejudice all of the plaintiff's claims against the Defendant.

**Dated: July 24, 2020**

*ATTORNEYS FOR PLAINTIFF*

By: /s/ Stephen J. Fitzgerald  
Stephen J. Fitzgerald (ct22939)  
GARRISON, LEVIN-EPSTEIN,  
FITZGERALD & PIRROTTI, P.C.  
405 Orange Street  
New Haven, CT 06511  
Tel: (203) 777-4425  
Fax: (203) 776-3965  
[sfitzgerald@garrisonlaw.com](mailto:sfitzgerald@garrisonlaw.com)

By: /s/ Charles C. Goetsch  
Charles C. Goetsch (ct00776)  
CHARLES GOETSCH LAW OFFICES LLC  
405 Orange Street  
New Haven, CT 06511  
Tel: (203) 672-1370  
Fax: (203) 776-3965  
[charlie@whistleblower.com](mailto:charlie@whistleblower.com)

ATTORNEYS FOR DEFENDANT

By: /s/ Susan C. Roney

Susan C. Roney (Bar Roll#: 103251)  
NIXON PEABODY LLP  
40 Fountain Plaza, Suite 500  
Buffalo, NY 14202  
Tel.: (716) 853-8100  
Cell: (716) 867-0333  
E-mail: [sroney@nixonpeabody.com](mailto:sroney@nixonpeabody.com)

By: /s/ Nikki L. McArthur

Nikki L. McArthur (admitted PHV)  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
Tel.: (202) 879-3843  
Fax: (202) 626-1700  
E-mail: [nmcarthur@jonesday.com](mailto:nmcarthur@jonesday.com)

By: /s/ Andrew C. Rose

Andrew C. Rose (Bar Roll #: 102473)  
NIXON PEABODY LLP  
677 Broadway, 10<sup>th</sup> Floor  
Albany, NY 12207  
Tel: (518) 427-2650  
E-mail: [acrose@nixonpeabody.com](mailto:acrose@nixonpeabody.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of July, 2020, a copy of the foregoing **Stipulation of Dismissal With Prejudice** was filed electronically [*and served by mail on anyone unable to accept electronic filing*]. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [*or by mail to anyone unable to accept electronic filing*]. Parties may access this filing through the Court's system.

/s/ Stephen J. Fitzgerald

Stephen J. Fitzgerald

**IT IS SO ORDERED.**

July 27, 2020



Frederick J. Scullin, Jr.  
Senior United States District Judge